IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Crl.Rev.Pet.No. 889 of 2007()

CRA.72/2003 of SESSIONS COURT, THALASSERY
CC.325/2002 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

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REVN. PETITIONER: APPELLANT/ACCUSED

SAJU YOMAS, S/O. K.J.YOMAS,
SRAMBIKKAL HOUSE, AARALAM AMSOM DESOM,
VELIMANAM.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS: COMPLAINANT & STATE

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1. K.V.PRAMOD KUMAR, S/O. RAMACHANDRAN NAMBIAR, CHANDRALAYAM, MUNDALUR, MOKERI P.O.

2. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 889 OF 2007

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Dated this the 28th day of February 2007

O R D E R

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to undergo imprisonment till rising of the court and to pay a fine of Rs.1,00,000/- and in default to undergo simple imprisonment for three months and in case the fine is realised an amount of Rs.90,000/- to be given to the complainant as compensation under section 357(1)(b) Cr.P.C.

2. The revision petitioner has sought for modification of sentence and for time to make the payment. It is pointed out that the cheque amount was only Rs.85,000/-. According to him, Rs.10,000/- is towards interest. In the circumstances, sentence is modified to imprisonment till rising of the court and to pay a compensation of Rs.85,000/- vide 357(3) Cr.P.C and in default to undergo simple imprisonment for three months. The revision

petitioner is granted six months time to make the payment. He shall appear before Additional Chief Judicial Magistrate, Thalassery on 30.08.2007 to receive sentence.

K.R. UDAYABHANU, JUDGE.

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